

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,
Plaintiffs,
v.
GOOGLE LLC,
Defendant.

Case No. 20-cv-03664-LHK (SVK)

ORDER ON MOTIONS TO SEAL

Re: Dkt. Nos. 255, 257, 260, 280

Before the Court are several administrative motions to file under seal materials associated with discovery disputes in this case. Dkt. Nos. 255, 257, 260, 280.

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a “strong presumption in favor of access.” *Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are “more than tangentially related to the underlying cause of action” must demonstrate “compelling reasons” that support secrecy. *Ctr. For Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re “not related, or only tangentially related, to the merits of the case,” the lower “good cause” standard of Rule 26(c) applies. *Id.*; *see also Kamakana*, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the “good cause” standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing

these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

1. Dkt. 255

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
June 2, 2021 Hearing Transcript	GRANTED as to redacted portions at: 13:2, 13:8, 13:11, 32:18-20, 34:10, 34:23-25, 36:23-37:3, 37:8-11, 37:15-16, 37:19-20, 37:22-24, 38:3-5, 46:3-11, 46:14-15, 46:17-23, 46:25, 47:1, 70:20, 70:24, 71:2.	Narrowly tailored to protect confidential technical information regarding features of Google's internal systems and operations, including Google's internal policies, internal data structures, internal identifiers/cookies and their proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

2. Dkt. 257

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Joint Submission in Response to Dkt. 242, 242-1 Re Custodians and Search Terms	GRANTED as to redacted portions at pages 3, 4	Narrowly tailored to protect information regarding features of Google's internal systems and operations, including details related to internal cookies, identifiers, and projects and their proprietary functions, as well as Google's internal communications and practices with regard to Incognito, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

3. Dkt. 260

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
August 12, 2021 Hearing Transcript	GRANTED as to redacted portions at: 12:22-24; 14:3; 53:23	Narrowly tailored to protect confidential technical information regarding features of Google's internal systems and operations, including Google's internal data structures, internal identifiers and their proprietary functions, as well as plaintiff health information that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

4. Dkt. 280

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Joint Submission in Response to Dkt. 242 re Status of Discovery Disputes	GRANTED as to redacted portions at: pages 27, 37, 41, 43, 44	Narrowly tailored to protect confidential information regarding features of Google's internal systems and operations, including details related to cookies, internal identifiers, and financial projections as well as Google's internal communications and practices with regard to Incognito, X-Client-Data Header and their proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

SO ORDERED.

Dated: September 30, 2021



SUSAN VAN KEULEN
United States Magistrate Judge